Govt. II-29—85,000 - 2-11-26

Public (1927) Department.

Mis. SERIES.

G.O. No. 883

DATED 19-9-27

[Despatch Abstract.]

Legislative Council Question- dated Oct 1927- K.Ningappa- unpaid [illegible] Office, Bangalore- Quoted from service papers recorded-

Council Office.

30-4-1927.

Starred Question.

Mr. J.A.Saldanha.

The Public Department.

39* Will the hon. the Member for Revenue be pleased to state:--

(a) whether the Government have received a memorial from late acting clerk, Taluk Office, Mangalore, K.Lingappa belonging to the fisherman community;

(b) whether it is a fact that he obtained a certificate of having passed the S.S.L.C. examination but with less than 35 per cent in English and Elementary Mathematics, that he was appointed to act as a clerk in 1918 and further was exempted in 1921 from the operation of the District circular, that he was declared to be a passed candidate by the Collector of S. Kanara, that he further acted off and on till 1926, that he was appointed finally to act as a clerk in Mangalore Taluk Office in March 1926 with instructions from the Collector that the Divisional Officer should see that he was not ousted, but that he has been now ousted from the service by retrospective effect being given to G.O.No.965 Pub., dated 16th November 1926,

(d) whether Government intended the aforesaid Government Order should apply retrospectively to such a

b) whether he acted as clerk off and on in various offices in South Canara from 1918 to 1926 and whether he was ousted from the service by retrospective effect being given to G.O. No. 965 Pub dated 16th November 1926,

c) whether he had been declared by the Collector of S. Canara as a passed candidate, as he had obtained an S.S.L. certificate

especially when ~~they~~ he belong to a backward community as in this case; and;

(c) what orders Government have passed or propose to pass in this and other such cases?

KRc.

Starred. 3

Public Department.

Legislative Council Question No.39.

Mr. J.A. Saldanha.

QUESTION	ANSWER
Will the Hon.the Member for Rev. be pleased to state:-	
(a) whether the Govt. have received a memorial from late acting clerk, taluk office, Mangalore, K. Lingappa, belonging to the fisherman community;	(a) Yes.
(b) whether he acted as clerk off and on in various offices in South Kanara from 1918 to 1926 and whether he was ousted from the service by retrospective effect being given to G.O.No.965,Pub, dated 16-11-1926;	(b) ~~Yes~~. He ceases to act as he had not the qualification prescribed in the G.O referred to & had not been acting for one year.
(c) whether he had been declared by the Collr. of South Kanara as a passed candidate, as he had obtained a S.S.L.Certificate;	(c) ~~He was exempted~~ in ~~1921~~ 1918 ~~from the eligibility rule~~ which was the standard then obtaining in the South Kanara Dt. ~~Subsequent to this exemption there were several breaks in his officiating servic and the exemption was not renewed.~~
(d) whether Govt. intended the aforesaid Govt. Order should apply retrospectively to such a person, especially when he belonged to a backward community as in this case; and	

(e) What orders Govt. have passed or propose to pass in this and other such cases?

(d) & (e).- ~~The Hon'ble Member is informed that~~ where heads of depts., having in view the efficient discharge of duties, recommend the retention of unmarried men belonging to the backward communities, the Govt. will be prepared to consider the question of their exemption from the operation of G.O. No. 3187, Pub, dated 14-8-1917. The memorial referred to by the Hon'ble Member was rejected, as no recommendation was made on behalf of the petitioner by the Board of Revenue or the Collector.

Ly/305

- Sel Mahrattan (Q)

(K)

27.5.27.
Ys 27/5

all
30.5.27

Pub. u.o. 2247-1
16.6.27

153

Starred Question.

Mr. J.A.Saldanha.

No.39. Will the Hon'ble the Member for Revenue be pleased to state:-

(a) whether the Government have received a memorial from late acting clerk, taluk office, Mangalore, K.Lingappa, belonging to the fisherman community.

(b) whether he acted as clerk off and on in various offices in South Kanara from 1918 to 1926 and whether he was ousted from the service by retrospective effect being given to G.O.No.965 Public, dated 16th November 1926;

(c) whether he had been declared by the Collector of South Kanara as a passed candidate, as he had obtained a Secondary School Leaving Certificate;

(d) whether Government intended the aforesaid Government Order should apply retrospectively to such a person, especially when he belonged to a backward community as in this case; and

(e) what orders Government have passed or propose to pass in this and other such cases?

Public Department.

(a) Yes.

(b) He ceased to act as he had not the qualification prescribed in the Government Order referred to and had not been acting for one year.

(c) The Collector of South Kanara allowed him to act in a clerk's post in 1918 and at intervals subsequently.

(d) & (e) Where heads of departments, having in view the efficient discharge of duties, recommend the retention or unpassed men belonging to the backward communities, the Government will be prepared to consider the question of their exemption from the

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operation of G.O.No.157, Public, dated 14th February 1907. The memorial referred to by the Hon'ble Member was rejected, as no recommendation was made on behalf of the petitioner by the Board of Revenue or the Collector.

(By Order)

Mujeatto.

Under Secretary to Government.

To the Legislative Council Office.

17.6.07.

The above answer has been approved by

The Hon'ble Mr.N.C.Marjoribanks, C.S.I.,C.I.E.,I.C.S.

Answer copy

DESPATCHED

Initials PS

Date 23.6.7

Alleged memorial from Mr. K. Lingappa.

3 Q.—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether Government have received a memorial from the late acting clerk, Taluk Office, Mangalore, K. Lingappa, belonging to the fisherman community;

(*b*) whether he acted as clerk off and on in various offices in South Kanara from 1918 to 1926 and whether he was ousted from the service by retrospective effect being given to G.O. No. 365, Public, dated 16th November 1926;

(*c*) whether he had been declared by the Collector of South Kanara as a passed candidate, as he had obtained an S.S.L. Certificate;

(*d*) whether Government intended the aforesaid Government Order should apply retrospectively to such a person especially when he belonged to a backward community as in this case; and

(*e*) what orders Government have passed or propose to pass in this and other such cases?

A.—(*a*) Yes.

(*b*) He ceased to act as he had not the qualification prescribed in the Government Order referred to and had not been acting for one year.

(*c*) The Collector of South Kanara allowed him to act in a clerk's post in 1918 and at intervals subsequently.

(*d*) & (*e*) Where heads of departments, having in view the efficient discharge of duties, recommend the retention of unpassed men belonging to the backward communities, the Government will be prepared to consider the question of their exemption from the operation of G O. No. 137, Public, dated 14th February 1927. The memorial referred to by the hon. Member was rejected, as no recommendation was made on behalf of the petitioner by the Board of Revenue or the Collector.

Mr. J. A. SALDANHA:—"Under this clause (*c*), what I want to know is whether he was treated as a passed candidate and therefore qualified to obtain a permanent appointment?"

The hon. Mr. N. E. MARJORIBANKS:—"That is a matter for inference."

Mr. J. A. SALDANHA:—"My question is whether he was treated as a passed candidate and exempted from the rule. I want to know whether he was not treated as a candidate qualified for the post according to the rules prevailing at the time."

The hon. Mr. N. E. MARJORIBANKS:—"We are not aware of anything beyond the fact that he was allowed to act."

Mr. J. A. SALDANHA:—"May I ask whether enquiries would be made because I am aware that he was considered as qualified?"

The hon. the PRESIDENT:—"The hon. Member is requested to put a question. He is not permitted to communicate his knowledge to the House."

Mr. J. A. SALDANHA:—"I want to know whether my knowledge is correct or not." (Laughter.)

The hon. Mr. N. E. MARJORIBANKS:—"Whether correct or not, there is no intention of exempting this man."

Law Dept. III-8—2,000—24-11-26.

QUESTION.—No 39 for the ~~to be held on the~~ meeting of the Legislative Council ~~to be held on the~~ ~~192~~ .

SUBMITTED that two copies of this Question may be forwarded to the Public Department

The Question has been admitted.

AS 16/5

Q 17/5

CURRENT NO. 2247 PUBLIC

ASST. SECY. TO GOVT. 18 MAY. 1927 CHIEF SECT.

1933/27-SLC

U.O. No. , *dated* 17-5-27

To

The Pub Department

Public Department.

Clause (a) of the question.- The answer is 'Yes' - vi[de] pages 7-10 of G.O.No.R.286,Pub. dated 18-5-1927.

Clause (b) of the question.- The answer to this clause is also 'Yes'. Please see para 4 of the Coll[r]'s Endt. on page 10 and the periods of acting service given on page 5 of G.O.No.R.286,Pub, dated 18-5-1927. He was removed from service under para 2(2) of G.O.No. 137,Pub, dated 14-2-1927 - vide last sentence on page 6 of G.O.No.R.286 Pub, dated 18-5-1927.

Clause (c) of the question.- The clerk was exempted in 1921 from the 'eligibility rule' which was the standard then obtaining in the district for the recruitment of S.S.L.C. men in the Revenue Dept. When the same standard was enforced by the Board in B.P.1796 (a1s), dated 11-8-1923 for all districts, this clerk was not subsequently formally exempted. Further he had several breaks in the service and his exemption was not renewed and the last period of his service did not satisfy para 2(2) of G.O.No.137,Pub, dated the 14th February 1927. For orders whether the answer to this clause may be 'He was exempted in 1921 from the 'eligibility rule' which was the standard then obtain[ing]

P.T.O

the South Kanara District. Subsequent to this exemption there were several breaks in his officiating service and the exemption was not renewed".

Clauses(d) and (e) of the question.- For orders whether the answer to these two clauses may be 'The Hon'ble Member is informed that ~~were~~ where heads of depts., having in view the efficient discharge of duties, recommend the retention of unpassed men belonging to the backward communities, the Govt. will be prepared to consider the question of their exemption from the operation of G.O.No.137,Pub, dated 14-2-1927. The memorial referred to by the Hon'ble Member was rejected'. (R) (Q) p 12 of

A draft answer is submitted for consideration in the prescribed form.

27.5.27. Ms 27/5

hmj 305

31 MAY 1927

Dy.

All 30.5.27

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The answer to clause (c) is unintelligible to me. What is meant by the eligibility rule? Ge 31/5

CHIEF 1- JUN 1927 GOVT C

It is submitted that by 'Eligibility rule' is meant the educational standard fixed by the Board of Revenue, viz. the possession of a completed S.S.L. certificate declaring the candidate eligible for admission to the College Course. Attention is respectfully solicited to portion marked A on p 6 of G.O. No. R. 286 Pub dt 18.5.27 and para 2 of the Board's letter on p 1 of G.O No. 1843 Rev dated 3.9.24. (Q) (Y)

3.6.27. Ms 4/6